

**Narberth Borough Council Regular Meeting  
February 9, 2015 – 8:00 PM  
DRAFT Minutes**

**Call to Order, Roll Call** - The regular meeting of the Narberth Borough Council was called to order in the Municipal Building, 100 Conway Avenue, Narberth, PA on Wednesday, February 9, 2015 at 8:00 PM by Council President Quinn.

Michael Quinn, President (present)  
Aaron Muderick, Vice President (present)  
Richard Diaz, (present)  
Gigi Tevlin-Moffat, (present)  
Charles Silio, (present by phone)  
Bob Wegbreit, (absent)  
Bob Weisbord, (present)  
Tom Grady, Mayor (present)  
Marc Jonas, Solicitor (present)  
William Martin, Manager (present)  
Sean Metrick, Assistant Manager (present)

President Quinn announced that Council had a private informational session at 7:00 pm with an environmental expert regarding 100 Forrest Ave. Mr. Quinn also announced that agenda item #9-ordinances to be introduced and considered for adoption was being removed from tonight's meeting.

**Consideration of Minutes: 3 items** December 30, 2014 recessed meeting of Council; January 7, 2015 Council caucus meeting; January 12, 2015 Council regular meeting.

*Mr. Muderick motioned to approve the minutes as submitted*  
*Ms. Tevlin-Moffat seconded*  
*No discussion*  
*Vote All Aye*

**Mayor's Report**

*Mayor Grady recommended for promotion Officer Matt Belfi from probation status to Class C officer, having completed one year of work with the Borough as of January 6, 2015. An official Council motion will follow on the agenda.*

**Library Report**

*Mr. Quinn summarized the library's annual report of activity and funding attached to these minutes and asked they be accepted as submitted by Council and made available to the public.*

**Treasurer's Report**

*Mr. Quinn summarized the treasurer's report for the month of January 2015 attached to these minutes and asked it be accepted as submitted by Council and made available to the public.*

**Tax Collector's Report**

*Mr. Martin commented that all taxes for the Borough, sewer, and solid waste were mailed to residents on time this month. Next month's report will discuss tax receipts.*

### **Solicitor's Report**

*No activity to report*

### **Manager's Report**

*Mr. Martin reported with sad news the passing of long-time Borough resident and former councilperson Chet Tyson at the age of 96 this past weekend. Mr. Tyson served on Borough Council from 1984 to 1996 and as Vice President of Council from 1990 to 1996. Many had the pleasure of working with Mr. Tyson through the 4<sup>th</sup> of July Committee. Chet also worked on the gazebo in Narberth Park which today bears his name. Let it be known with pleasure and in the Borough's records that we honor the bond between generations and we recognize Mr. Tyson for the contributions he made to the community during his time with us.*

*Mr. Quinn added that there will be a celebration of Mr. Tyson on Saturday March 14<sup>th</sup> at 2 pm at the American Legion (next to the library), 80 Windsor Ave in the Borough. The Borough's administrative office will receive cards or messages for the family in advance of this celebration.*

### **Reports of Standing Committees**

#### **Finance Committee** (Silio Chairperson., Wegbreit, Muderick)

*Mr. Muderick gave the update. The committee continues to move forward with the agenda items presented by Mr. Silio at the last Caucus meeting. Updating email addresses and Borough staff to Office 365 are short-term priorities.*

*Mr. Muderick, on behalf of the Finance Committee, submitted the schedule of bills dated February 9, 2015.*

*Ms. Tevlin-Moffat moved to accept the schedule of bills as read, that the schedule be approved by Council, that the Treasurer be authorized to draw checks, that payments of these bills be approved by the President of Council, attested by the Borough Secretary, and that all bills be paid.*

*Mr. Weisbord seconds*

*Vote All Aye*

*The next meeting of the committee will take place in the second half of February, the date TBD and posted to Borough's home page calendar with the hope that the rest of 2015 meeting dates can also be posted.*

#### **Public Safety Committee** (Muderick Chairperson, Diaz, Tevlin-Moffat)

*Mr. Muderick reported that the Borough is finalizing police contract negotiations in the hope of presenting to Council soon. Mayor Grady commented that the new no-left-turn signs at Windsor and Iona are working. The next meeting of the Public Safety Committee will take place March 4, 2015 at 7:30 pm. Mr. Muderick submitted reports of the fire marshal, fire chief, and police department.*

#### **Public Works Committee** (Wegbreit Chairperson., Tevlin-Moffat, Weisbord)

*Ms. Tevlin-Moffat submitted the report of hours worked by the highway department, parking enforcement, and crossing guard for the month of January 2015.*

**Property Committee (Diaz Chairperson, Weisbord, Silio)**

*Mr. Diaz will submit a motion later in the agenda authorizing the Borough Manager to solicit candidates for a vacancy on the Recreation Board. Activity for January 2015 included the postponement of the Property Users Meeting to February 23, 2015 at 8 pm. Plans for 201 Sabine Avenue building elevator installation are being reviewed. Work is planned to begin March 1, 2015. As soon as a start date is finalized, tenants will be notified, and there will be a question and answer session. All park locations have been winterized.*

*A meeting is scheduled for February 10 at 9 am to discuss the library terrace and Windsor Green Street projects. Representatives from the Lower Merion Conservancy will attend. The Conservancy is administering a grant through the William Penn Foundation and the National Fish and Wildlife Foundation to improve water quality in the Darby-Cobbs Watershed.*

*The committee will meet February 20<sup>th</sup> at 9 am to discuss the committee's 2015 goals and invite existing and prospective tenants of the second floor of 201 Sabine Ave to discuss plans. A formal agenda will be published soon.*

*The committee will meet with members of the recreation board on February 23<sup>rd</sup> at 8 pm to discuss 2015 plans to use parks and facilities.*

*Mr. Quinn asked if Mr. Preble is involved with getting the word out to the real estate community about tenant possibilities at 201 Sabine. Mr. Diaz affirmed, adding that the space has already been shown by Mr. Preble to 3 or 4 prospective tenants.*

**Building & Zoning (Weisbord Chairperson, Wegbreit, Muderick)**

*Mr. Weisbord submits the committee's January report of inspection and permitting activity in the Borough. Mr. Moser who represents Forrest Avenue Developers LP, the company redeveloping the old St Margaret's School for multifamily dwellings was asked to speak about the proposed amendment to the conditional use approval granted by Council for this development.*

*Mr. Moser stated that the changes proposed by the conditional use amendment would not look any different than what the Borough had previously approved. As the developer began to install the lintel (a structural horizontal block that spans the space or opening between two vertical supports) for the garage entrance facing Forrest Avenue, it realized that the steel beam stuck in front of the building more than expected. Thus, he proposes to move it further into the mortises on either side. Details of the treatment would need to be modified, requiring an amendment to the conditional use approval.*

*Mr. Weisbord remarked that the design was improved with a welded plate onto the face of the beam. Early on in the process, that was a recommendation of the Narberth Planning Commission.*

*Mr. Martin commented that he was able to review and discuss the plan with the committee as well as with Mr. Moser, and it meets the expectations of the original conditional use approval.*

*Mr. Jonas advised that Council and committee members inquired as to the procedure for amending a conditional use. He responded that all that was needed was official action on an amendment to the original conditional use approval by Council. If approved, a notice of decision would be issued tomorrow.*

*Mr. Weisbord motioned that Council amend the previous conditional use decision of 209/211 Forrest Avenue as follows:*

- 1) Applicant shall adhere to the garage door lintel design prepared by VLBJR (SK –A1.1 and SK A1.2) describing the lintel elevation on the west elevation and a section drawing of the same.*
- 2) The conditions of the previous decision are incorporated herein by reference and remain in full force and effect, except as modified by condition number 1 above.*

*Mr. Diaz seconded the motion*

*Discussion*

*Mr. Quinn commented that Mr. Jonas has advised Council that the sketch referenced above and draft attachment submitted by Mr. Moser will be included in any notice of decision. Mr. Quinn further noted that the Building and Zoning Committee, Solicitor, Borough Manager have all spoken in favor of the amendment.*

*Mr. Muderick commented that the involvement of all people, Mr. Moser, and the Narberth Planning Commission led to a quick, accurate, and thoughtful resolution to this process. He thanks Mr. Weisbord for his leadership in this process.*

*All Vote Aye*

*Mr. Weisbord summarized two additional motions that will be proposed later in the meeting. The approval of MCPC planning services and Yerkes Associates inspection service contracts. Mr. Muderick asked when the last time the cost for services of the Yerkes contract increased. Mr. Martin responded that 2015 would be the third year in a row that the rates remained the same. He also noted that Mr. Nick Cirillo is a structural engineer who has worked closely with the Borough on the library terrace addition. He has been promoted to a vice president of Yerkes and will continue to work with the Borough. Mr. Quinn asked that Mr. Cirillo be present at a future Council meeting for introduction and question and answer session date TBD. Mr. Quinn asked if the Yerkes contract stipulated that the Borough use no other company for inspection or engineering purposes. Mr. Weisbord answered that the agreement would allow the Borough to seek additional help from other experts as it sees fit. Mr. Martin added that as far as building code is concerned, the Borough has agreed to work only with Yerkes, with Mr. Frank Newhams currently performing those services for the Borough.*

*Mr. Weisbord commented that the committee will meet next on March 2<sup>nd</sup> with the Borough Solicitor and the Planning Commission to discuss conditional use procedure and the next steps for the publication and announcement of the draft form-based zoning code. The draft has been completed and the Narberth Planning Commission has completed an executive summary and FAQ of the document. Both will be published and available for download from the Borough website soon. Staff is preparing a special newsletter, and Mr. Metrick will create a forum to answer questions regarding the code. A public meeting on the code is scheduled for April 29<sup>th</sup> when concerns and questions will be gathered and raised. After the public workshop, the committee will determine next steps to possibly include revisions, additional public input, and adoption.*

#### **Economic Development (Tevlin-Moffat Chairperson, Silio, Diaz)**

*Ms. Tevlin-Moffat advised that the committee will meet next on Friday February 20<sup>th</sup> at 9 am.*

#### **Succession Planning Ad Hoc (Wegbreit Chairperson, Muderick, Quinn)**

*Mr. Muderick reported that the next meeting will be held Thursday February 12 at 8 am. The committee will meet with Mr. Martin and Mr. Metrick to discuss Mr. Metrick's first month on the job and the onboarding process.*

## **Parking Ad Hoc Committee (Silio Chairperson, Wegbreit, Weisbord)**

*Mr. Silio updated Council on the committee's work to implement digital parking violation system with alternative payments modes, online ticket payments, and automated ticket issuance. Borough staff has solicited proposals and is considering hardware and software solution. The next committee meeting will be held in February, the date TBD.*

## **Public Comments on items on the Agenda**

*Ms. Georgette Dubois 111 Price Ave: Trying to understand that at the last (February Caucus) meeting, there was a motion to authorize the expenditure of up to \$10,000 for environmental consultation, testing, and research concerning 100 Forrest Avenue. What did Council learn from the assessment performed earlier this year by AMEC, Foster Wheeler? Is there a summary of what we know about the environmental issues from AMEC and/or the DEP on the site to date that was performed as a result of the underground gas tanks being removed from the property that could be understood and accessed by the public?*

*Mr. Quinn replied that these items were discussed in the informational session held by Council at 7 pm this evening. Mr. Jonas commented that those conversations could impact any potential decision about ownership, use, lease, or purchase of the property. Mr. Jonas commented that the DEP has records available for the site, and any person may file a right-to-know request with the DEP. Mr. Quinn commented that the records Council has seen are not complete, nor is the process of assessing the environmental concerns on the site complete. There is an active ongoing process between the DEP and the owner that is investigatory in nature. Mr. Jonas commented that any informational session to which the public is excluded does not include any deliberations or actions of Council. If Council were to take action of any item it learns of in an informational session, it would occur at a duly advertised public meeting in accordance with state law.*

*Mr. DuBois clarified that her question was about the work on the site performed last year by AMEC and the DEP, requesting knowledge of the results of those inquiries. Ms. Dubois also requested clarification on how to obtain information from DEP regarding the site. Mr. Jonas commented that nearly every governmental agency has an open records officer to contact for these types of request. Anyone may contact DEP's regional office in Norristown and file a request. Some items are exempted from disclosure and are specifically listed in the Right-to-Know Law. AMEC has performed records searches and oversight of the tank removal performed last year, but no-on site testing-. The Borough has no right to perform those tests absent the consent of the owner. The report from AMEC that Ms. DuBois referenced in her question was the result of that oversight and a search of publicly available records.*

*Mr. Weisbord commented that an explanation of why Council cannot comment on certain information of the property would be beneficial to the public. Mr. Jonas responded that there are two reasons. The first is that the Borough desires to know all of the environmental information available about the site, to make sure Council is up to speed and can make the most informed decisions and actions. The second is that the Borough has expressed interest in acquiring title to the property and the information discovered would bear directly on the Borough's negotiations. Mr. Jonas reminded all present that any official action (environmental or acquisition for example) of Council would take place at a public hearing.*

## **Resolutions/Motions to be considered by Council for Passage**

*Mr. Weisbord- The members of the Building and Zoning Committee recommend the approval of consulting and engineering services with Yerkes Associates Inc. for 2015. The fee and schedule shall remain the same as 2014.*

*Mr. Muderick seconded*

*Mr. Weisbord thanked Mr. Martin for negotiating this contract for ongoing services at the same rates.*

*All vote Aye*

*Motion passed unanimously*

*Mr. Weisbord- The members of the Building and Zoning Committee recommend the approval of the three-year contract for planning assistance between the Montgomery County Planning Commission and Narberth Borough effective January 1, 2015. The total cost of the three year agreement amounts to \$57,510 with the municipal share of the cost at 50%. The three-year contract will be paid in bi-annual installments with a total cost to the Borough over the three-year period of \$28,755.*

*Mr. Muderick seconded*

*Mr. Diaz asked whether the Borough may opt out of the contract within the 60 day period stipulated. Mr. Metrick affirmed.*

*All vote Aye*

*Motion passed unanimously*

*Mr. Muderick- The members of the Public Safety Committee recommends approving the Mayor's certificate for the promotion of Officer Belfi from probation status to Class C Officer.*

*Mr. Weisbord seconded*

*All vote Aye*

*Motion passed unanimously*

*Mr. Diaz- The members of the Property Committee recommends authorizing the Borough Manager to solicit candidates for the vacant position on the Recreation Board.*

*Mr. Muderick seconded*

*All vote Aye*

*Motion passed unanimously*

## **Ordinance to be considered for adoption**

*Mr. Muderick – The members of the Finance Committee recommend that Ordinance 981 be enacted:*

**An ordinance of Narberth Borough, Montgomery County, Commonwealth of Pennsylvania, electing to amend its municipal pension plan administered by the Pennsylvania Municipal Retirement System pursuant to Article IV of the Pennsylvania Municipal Retirement Law; agreeing to be bound by all provisions of the Pennsylvania Municipal Retirement Law as amended and as applicable to member municipalities.**

*It is hereby ordained by Narberth Borough, Montgomery County, as follows to be duly advertised for a consideration date of March 9, 2015.*

*Mr. Weisbord seconded*

*Mr. Muderick commented that these changes come up from time to time to bring the Borough into compliance. Mr. Martin added that no changes to the pension system are affected.*

*All vote Aye*

*Motion passed unanimously*

## **Adjournment**

*Meeting adjourned at 8:50pm*